



GRAYCARY

4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
www.graycary.com
OJ 858-677-1456
FJ 858-677-1465

July 11, 2003

RECEIVED

ATTORNEY DOCKET No. DIVER1280

OCT 16 2003

MAIL STOP CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

This paper is a request for a **continued prosecution application** under 37 C.F.R. § 1.53(d) of:

Applicants: Jay M. Short and Martin Keller
Title: HIGH THROUGHPUT FLUORESCENCE-BASED SCREENING FOR NOVEL ENZYMES (As Amended)
Prior U.S. Application No.: 08/876,276
Filing date: June 16, 1997

The prior application was complete as defined by 37 C.F.R. § 1.51(b), or was a national stage of an international application filed in compliance with 35 U.S.C. § 371.

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein. The prior application is currently up on Appeal.

The prior application is assigned of record to DIVERSA CORPORATION, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on December 17, 1999 at Reel No. 010476, Frame 0273.

EXPRESS MAIL Number: EV 318739325 US
Date of Deposit: JULY 11, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MAIL STOP CPA
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

MIKHAIL BAYLEY

(Name of Individual Depositing with P.O.)

(Signature of Individual Depositing with P.O.)

SILICON VALLEY SAN DIEGO SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA WASHINGTON, DC

Gray Cary\GT\6356371.I
104703-156676

ATTORNEY DOCKET No.: DIVER1280

MAIL STOP CPA

Commissioner for Patents

July 11, 2003

Page 2

This request includes three (3) sheets, and the following:

- Preliminary Amendment (7 pages);
- Check No. 540462 in the amount of \$438.00; and
- Return Receipt Postcard;

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

Applicants claim **SMALL ENTITY STATUS** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee is calculated as follows:

	Number Filed		Number Extra		Rate			Fee	
					Large Entity	Small Entity		Large Entity	SMALL ENTITY
Total Claims	27 20	=	7	X	\$18	\$09	=	\$	\$ 63.00
Independent Claims	1 3	=	0	X	\$84	\$42	=	\$	\$
Multiple Dependent Claims Presented:	Yes <input checked="" type="checkbox"/> No				\$280	\$140		\$	\$
					BASIC FEE			\$750.00	\$375.00
					TOTAL FEE			\$	\$438.00

Enclosed please find a Check No. 540462 in the total amount of \$438.00; which consists of \$375.00 for the basic application filing fee and \$63.00 for seven (7) additional dependent claims fee. Please charge any additional required fees or credit any overpayments to Deposit Account 50-1355, referencing the Attorney Docket number shown above. A copy of this transmittal letter is attached.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at 858-677-1456.

ATTORNEY DOCKET No.: DIVER1280

MAIL STOP CPA

Commissioner for Patents

July 11, 2003

Page 3

Kindly acknowledge receipt of this application by returning the enclosed postcard.

All future correspondence should be addressed to:

**Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133**

Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP


Lisa A. Haile
Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347

July 11, 2003

Date

Enclosures
LAH/JML:ct